

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSEPH K. GREEN,)
Plaintiff,) 3:13-CV-0684-LRH-VPC
v.)
NRES-NV, 1 LLC; et al.,) ORDER
Defendants.)

Before the court is plaintiff Joseph K. Green’s (“Green”) application for a temporary restraining order without notice pursuant to Rule 65 of the Federal Rules of Civil Procedure. Doc. #2.¹

Pursuant to Rule 65, “[t]he court may issue a temporary restraining order without written or oral notice to the adverse party . . . only if: (A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and (B) the movant’s attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.” FED. R. CIV. P. 65(b)(1).

Here, after reviewing the documents and pleadings on file in this matter, the court finds that Green has not satisfied the requirements for issuance of a temporary restraining order without notice under Rule 65. In support of its motion, Green has submitted a personal affidavit and a

¹ Refers to the court's docket number.

1 declaration from counsel. *See* Doc. #2, Exhibit 2. However, these documents fail to comply with
2 the requirements of Rule 65(b)(1)(B). Counsel's declaration does not mention any attempt to
3 provide notice to the opposing party nor does it identify the reasons why notice should not be
4 required. Further, Green's application makes it clear that it has not yet served the underlying
5 complaint. Therefore, the court finds that Green is not entitled to issuance of a temporary restraining
6 order. Accordingly, the court shall deny the application for a temporary restraining order without
7 notice.

8 The court notes that upon service upon and notice to the defendants, however, the court
9 would be willing to treat the underlying motion as a renewed motion and schedule an expedited
10 hearing in which interested parties could participate. As part of such a renewed motion the court
11 would be willing to consider enjoining defendants from renting the underlying property upon the
12 posting of an appropriate bond by plaintiff, to be determined by the court at a later time as part of
13 any hearing, if necessary.

14

15 IT IS THEREFORE ORDERED that plaintiff's application for a temporary restraining
16 order without notice (Doc. #2) is DENIED.

17

 IT IS SO ORDERED.

18

 DATED this 13th day of December, 2013.

19



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

20

21

22

23

24

25

26